

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6481 OF 2007

R.A. Tiwari	...Petitioner
V/s.	
Union of India & Anr.	...Respondents

Mr.G.S. Walia for the Petitioner.

**CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.**

DATED : DECEMBER 19, 2007

P.C. :-

1. The original application filed by the petitioner before the CAT has been rejected by the CAT holding that the petitioner is guilty of not only suppressing relevant and material facts but also of deliberately making wrong statements before the court. It is common ground that failure of the petitioner to get selected resulted in two consequences, 1) Reversion, 2) Recovery of the monetary benefits. Against the reversion, OA was filed before the CAT which was disposed of with certain directions. Show Cause Notice was issued. In the OA which was filed challenging the recovery, not only the fact that earlier OA was filed challenging the reversion, is not disclosed but a wrong statement was made that order of reversion was never served on the petitioner. The Tribunal has, thus, found that the

petitioner is guilty of not only suppressing the relevant and material facts but is also guilty of making wrong statements.

2. The learned Counsel for the petitioner relied on the judgment of the Supreme Court in the case of **Arunima Baruah V/s. Union of India and others reported in (2007) 6 SCC 120** and specially on the observations made by the Supreme Court in paragraphs 11 and 12 and submitted that the relief should not have been denied to the petitioner. However, in our opinion, the CAT has rightly found that the petitioner is guilty of not only suppressing relevant material facts but also making wrong statements. In our opinion, even considering the law laid down by the Supreme Court in the judgment in **Arunima Baruah (supra)**, no exception can be taken to the order passed by CAT.

3. Petition is rejected.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)